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Application Number	09/754,001
Filing Date	01/02/01
First Named Inventor	Bright et al.
Art Unit	2175
Examiner Name	Rones, Charles
Attorney Docket Number	112076-138348

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Firm Name	Schwabe, Williamson & Wyatt, P.C.		
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Printed name	Al AuYeung		
Date	10/18/04	Reg. No.	35,432

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Attorney Reference: 112076-138348
IPG No: P032

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
Bright et al)
Application No.: 09/754,001)
Filed: Jan 02, 2001)
For: M&A for Simplified Accesses to)
OnLine Services)

Examiner: Rones, Charles

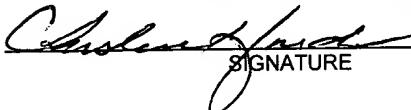
Art Unit: 2175

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Mail Stop Appeal Brief - Patents
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REPLY TO EXAMINER'S ANSWER

Dear Sir:

Appellants respectfully reply to the Examiner's answer as follows:

(A) In response to Appellants' argument that Tamer does not disclose a global unique identifier for a subscriber, the Examiner maintained that Tamer did disclose such a global unique identifier for a subscriber.

Applicants agree with the Examiner that Tamer teaches giving his subscribers unique ids, such that the subscribers can login anywhere over the Internet.

However, contrary to the Examiner's assertion, the Examiner is not at liberty to read the prior art beyond what it teaches, as understood by those of ordinary skill in the art. As Appellants have clearly set forth in the record that the term "global unique identifier" has a plain meaning that is understood by those of ordinary skill in the art to be unique across devices, machines, applications, and so forth. No one of

ordinary skill in the art would understand a unique subscriber id with the ability to log in anywhere via the Internet has such an attribute. As any one of ordinary skill in the art knows that a Yahoo user has a unique Yahoo id allowing the Yahoo user to login from anywhere over the Internet, so does an AOL user, an MSN user, an Amazon user, but none of these “unique” ids are unique in other domains outside of their own. In other words, these “unique ids” within the respective domains are not globally unique ids.

When attributing such broadened meaning to the unique ids of Tamer, the Examiner is effectively depriving Appellants to the full breadth of the meaning of the term “globally unique id” in the claim, narrowing it to mean uniquely within only an application domain.

As set forth in Appellants’ brief, either way, the Examiner’s action is contrary to well settled decisions of the Court.

(B) The Examiner alleges Appellants argued that “Tamer did not disclose an online service wherein the online service comprises a subscribed online service”. Appellants did not make such argument in the brief.

(C) In response to Appellants’ argument that the Court has provided “symmetry” as an anticipation analysis tool, the Examiner responded that “infringement is beyond the scope of this examination”. The Examiner’s answer is an attempt to avoid the issue, as “symmetry” does not exist. Accordingly, following the Court’s guideline, no anticipation can be found.

(D) In response to Appellants’ arguments that Tamer does not teach the provision of roaming capability with the employment of an email having the subscriber’s globally unique identifier, to facilitate a subscriber from logging in anywhere, the Examiner maintained that Tamer teaches login from anywhere, emails, and so forth. However, the fact that Tamer teaches login from anywhere, email and so forth, do not add up to the required limitation. The law requires the

anticipating element to be identical to the required limitation. Clearly, in the present instance, there is no teaching in Tamer on having the subscriber designate an email address where he can receive an email with his global unique identifier, thereby allowing him to logon from anywhere. As explained in the specification, and prior responses, the ‘feature’ enables a subscriber to designate an accessible email account, e.g. his Yahoo mail account, to receive an email with his globally unique identifier, thereby allowing him to retrieve the globally unique identifier from the accessible email account, from anywhere, and uses the retrieved globally unique identifier to login. Again, the Examiner is in error on the fact, as well as on the law.

Conclusion

As Applicants have set forth in the brief, the Examiner has erred in his rejections, and respectfully request the Board to reverse the Examiner’s rejections.

Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,
Schwabe, Williamson & Wyatt, P.C.

Date: October 18, 2004


by Aloysius AuYeung, Reg. No. 35,432
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